

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PERRY E. MITCHELL,

Plaintiff,

v.

Case Number 11-13546

Honorable David M. Lawson

Magistrate Judge Mark A. Randon

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER VACATING ORDER OF REFERENCE AND DISMISSING COMPLAINT

The plaintiff filed the present action on August 14, 2011 seeking review of the Commissioner's decision denying the plaintiff's claim for supplemental security income under Title XVI of the Social Security Act. The case was referred to United States Magistrate Mark A. Randon pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1(b)(3). On March 10, 2012, plaintiff's counsel informed the Court that the plaintiff died on February 14, 2012 and moved to substitute the plaintiff's estate as the plaintiff. On June 6, 2012, Magistrate Judge Randon, noting that the motion to substitute party was deficient for several reasons, ordered the plaintiff's counsel to show cause by June 22, 2012 why the case should not be dismissed pursuant to Federal Rule of Civil Procedure 25(a) for failure to file a timely, conforming motion for substitution. Plaintiff's counsel has not responded to the show cause order, nor has the plaintiff's successor or representative moved for substitution. Therefore, the Court will vacate the order of reference and dismiss the case.

Accordingly, it is **ORDERED** that the order of reference to Magistrate Judge Mark A. Randon [dkt. #3] is **VACATED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #9] and the defendant's motion for summary judgment [dkt. #10] are **DENIED as moot**.

It is further **ORDERED** that Joshua Moore's motion for substitution of party [dkt. #12] is **DENIED**.

It is further **ORDERED** that the complaint is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: June 28, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 28 , 2012.

s/Deborah R. Tofil

DEBORAH R. TOFIL